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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,205	12/27/2000	Hideki Shimomura	450100-02915	5280
20999	7590	10/27/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			JACKSON, JAKIEDA R	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/749,205	Applicant(s) SHIMOMURA ET AL.	
	Examiner Jakieda R. Jackson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed May 23, 2006, applicant submitted an amendment filed on August 15, 2006, in which the applicant traversed and requested reconsideration with respect to **claims 1 and 10-11**.

Response to Arguments

2. Applicant argues that Fukui does not disclose that said selection means selects the new topic by computing a value based on an association between attributes of each piece of the first information and attributes of the second information and selecting the first information with the greatest value as the new topic, or by reading a piece of the first information, computing the value based on the association between the attributes of the first information and the attributes of the second information, and selecting the first information as the new topic if the first information have a value greater than a threshold. Applicant argues that Fukui does not disclose or suggest calculating a value or values and selecting a next topic in accordance with that value. However, Fukui does disclose that the topic is based on a territory line in which the user is to set the topic near the line (column 50, line 15 – column 52, line 30). It is inherent that this territory line includes a threshold value. Also, throughout the Fukui reference, it is taught that there is an emotion sensor that picks up on words and determines if the user is getting frustrated and will change the topic if those words exceeds a predetermined threshold (column 55, lines 49-60, column 48, line 64 – column 52, line 30, etc.). Therefore, Applicants arguments are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3 and 5-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui et al. (U.S. Patent No. 5,918,222).

Regarding **claims 1, 10 and 11**, Fukui discloses a conversation processing apparatus, method and recording medium for holding a conversation with a user, comprising:

a providing step of providing, to a remote location (figure 8), one or more user profiles as a function of user preferences (column 22, lines 11-49);

first storage means for storing a plurality of pieces of first information concerning a plurality of topics (figure 94 with column 46, lines 15-16), the topics being a function of one or more user profiles provided by the apparatus (personal relationship between information provider and user; figure 94 and column 46, lines 30-60);

second storage means for storing (grasping) second information concerning a present topic being discussed (current status of demander interacting with the information disclosing apparatus; column 20, lines 46-51 with column 35, lines 14-16);

wherein each of a plurality of items included in said second information is assigned at least two values (minimum value of 0 and maximum value of 1; column 61, lines 17-22), one indicating a knowledge level of said user (degree of familiarity of the user to the data; column 61, lines 39-41) and one indicating a knowledge level of said conversation processing apparatus (selects information in accordance with the values of the right and the degree of familiarity; column 63, lines 16-27),

wherein said values vary during the conversation as a function of content of the conversation (column 46, lines 30-45);

determining means for determining whether to change the topic (emotion check; column 52, lines 18-19);

selection means for selecting, when said determining means determines to change the topic (emotion check indicates user reaction to change topic; column 52, lines 16-25), a new topic to change to from among the topics stored in said first storage means (column 52, lines 16-49);

changing means for reading the first information concerning the topic selected by said selection means from said first storage means (figure 94) and for changing the topic by storing the read information in said second storage means (column 52, lines 16-49); and

said selection means selects the new topic (extracts interest information; column 35, lines 53-61) by computing a value based on association between the attributes of each piece of the first information (current information) and the attributes of the second information (history information) and selecting the first information with the greatest

value as the new topic (desired information estimated with higher precision; column 35, lines 14-24 with column 48, line 64 – column 52, line 30 and column 55, lines 49-60).

Regarding **claim 2**, Fukui discloses a conversation processing apparatus, method and recording medium, further comprising:

third storage means for storing a topic which has been discussed with the user in a history (history storage unit; column 40, lines 48-63);

wherein said selection means selects, as the new topic, a topic other than those stored in the history in said third storage means (information added with new information; column 34, lines 2-5 with column 35, lines 14-24).

Regarding **claim 3**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein, when said determination means determines to change the topic in response to the change of topic introduced by the user (column 52, lines 19-25 and 47-49), said selection means selects a topic which is the most closely related (map to lecture meeting) to the topic introduced by the user from among the topics (show me the map) stored in said first storage means (column 52, lines 47-49).

Regarding **claim 5**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the attributes include at least one of a category (figure 93) or a time (figure 24 with column 28, lines 14-16).

Regarding **claim 6**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the value based on the association between the attributes of the first information and the attributes of the second information

(keywords) is stored in the form of a table (figure 8), said table being updated (column 22, lines 38-41 and column 38, lines 64-67).

Regarding **claim 7**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein, when selecting the new topic using the table (table), said selection means weights the value in the table for the first information (current information) having the same attributes as those of the second information (history information) and uses the weighted table (table; column 35, lines 14-24), thereby selecting the new topic (extracts interest information; column 35, lines 53-61 with column 49, lines 51-67 and column 50, lines 50-53).

Regarding **claim 8**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the conversation (interactive operations) is held orally (speech; column 46, lines 13-15)

Regarding **claim 9**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein said conversation processing apparatus (speech medium) is included in a robot (a computer; column 12, lines 1-2).

Regarding **claim 12**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein one or more user profiles are updated as a function of information communicated during conversation with an associated user (user information updated in every conversation; column 3, lines 24-30 with column 22, lines 35-49).

Regarding **claim 13**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the determining means for determining

whether to change the topic utilizes utterances from the user (emotion check determines based on the conversation whether or not to change the topic; column 52, lines 16-30).

Regarding **claim 14**, Fukui discloses a conversation processing apparatus, method and recording medium, further comprising:

communication means for acquiring additional information on currently stored topics (acquired information on specific topics; column 47, lines 50-56) and on a plurality of new topics (topics located before and after the present topic) that relate to one or more learned user preferences (column 50, lines 46-53 with column 46, lines 30-45).

Regarding **claim 15**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein said user profiles include at least a numerical value for each of said plurality of topics, indicating a preference level to the user (column 46, line 30 – column 47, line 10).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Light (USPN 5,774,888) discloses a method for characterizing a document set using evaluation surrogates.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
October 22, 2006



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